

**HUMAN SERVICES DEPARTMENT[441]**

**Notice of Intended Action**

**Twenty-five interested persons, a governmental subdivision, an agency or association of 25 or more persons may demand an oral presentation hereon as provided in Iowa Code section 17A.4(1)“b.”**

**Notice is also given to the public that the Administrative Rules Review Committee may, on its own motion or on written request by any individual or group, review this proposed action under section 17A.8(6) at a regular or special meeting where the public or interested persons may be heard.**

Pursuant to the authority of Iowa Code section 249A.4, the Department of Human Services proposes to amend Chapter 92, “IowaCare,” Iowa Administrative Code.

These amendments codify policies regarding a suspension of enrollment in IowaCare implemented on July 1, 2013, based on funding for state fiscal year 2013-2014 and pursuant to the amended terms of the waiver of Title XIX requirements allowing federal funding for the IowaCare program.

The IowaCare program has experienced steady growth in enrollment since the implementation of the statewide expansion of the provider network on January 1, 2012. IowaCare providers are concerned about having the capacity to meet future enrollment growth and have expressed the need to cap enrollment in order to maintain quality of care. In addition, enrollment growth exhausted initially appropriated funding and required supplemental appropriations in state fiscal years 2011-2012 and 2012-2013. An enrollment cap will also assist in the phasing out of IowaCare, which is scheduled to sunset on December 31, 2013, and in transitioning current enrollees into the new health care coverage structure that will be effective January 1, 2014. For these reasons, the Department submitted a request to the federal Centers for Medicare and Medicaid Services (CMS) to amend the IowaCare 1115 waiver to cap program enrollment as of July 1, 2013. Public notice of the intent to submit the waiver amendment was published in September 2012, and the waiver amendment request was submitted to CMS in October 2012. The Department’s budget request and state appropriation for the 2013-2014 state fiscal year were based on the cap.

CMS notified the Department of its approval of the amendment on June 17, 2013. Therefore, these rules are being amended to implement the enrollment cap in accordance with the waiver amendment and the Department’s state appropriation for 2013-2014.

These amendments will codify the limit set by the amended waiver on the number of members allowed to participate in the program and specify how new members will be added within the enrollment cap. The program accepted applications through June 30, 2013. The enrollment cap will be established at the number of enrolled members in the program when all applications filed prior to July 1, 2013, have been processed. Enrolled members will be allowed to renew coverage if their enrollment period expires after July 1, 2013.

These amendments were also Adopted and Filed Emergency and are published herein as **ARC 0862C**. The purpose of this Notice is to solicit comment on that submission, the subject matter of which is incorporated by reference.

Any interested person may make written comments on the proposed amendments on or before August 13, 2013. Comments should be directed to Harry Rossander, Bureau of Policy Coordination, Department of Human Services, Hoover State Office Building, Fifth Floor, 1305 East Walnut Street, Des Moines, Iowa 50319-0114. Comments may be sent by fax to (515)281-4980 or by e-mail to [policyanalysis@dhs.state.ia.us](mailto:policyanalysis@dhs.state.ia.us).

These amendments do not provide for waivers in specified situations because the federal waiver does not provide for exceptions to the enrollment cap and because waivers would cause state expenditures to exceed the funding appropriated. Requests for waiver of any rule may be submitted under the Department’s general rule on exceptions at 441—1.8(17A,217).

After analysis and review of this rule making, no impact on jobs has been found.

These amendments are intended to implement Iowa Code section 217.6 and chapter 249J.